

## **RESOLUTION NO. RS2019-1563**

### **A resolution encouraging transparency by The Health and Education Facilities Board of The Metropolitan Government of Nashville and Davidson County, Tennessee.**

WHEREAS, under state law at Tennessee Code Annotated at Section 48-101-301, *et seq.* and predecessor statutes, a health and education facility corporation may be created under certain circumstances; and

WHEREAS, under state law, to create a health and education facility corporation, a municipality must first pass legislation authorizing the creation, and then subsequently the municipality must choose the directors for the health and education facility corporation; and

WHEREAS, under state law, once created, a health and education facility corporation may issue tax exempt bonds for certain purposes for the public good; and

WHEREAS, while state law requires that the municipality cannot be liable for any bonds so issued, the bonds are issued in the name of the health and education facilities board acting on behalf of the municipality; and

WHEREAS, the Metropolitan Government granted permission for the formation of a health and educational facilities corporation in Davidson County by resolution adopted July 16, 1974; and

WHEREAS, "The Health and Educational Facilities Board of The Metropolitan Government of Nashville and Davidson County, Tennessee" was created on August 12, 1974 upon the filing of a Certificate of Incorporation with the Tennessee Secretary of State by the law firm of Griffith and Stokes (predecessor to the Nashville office of Adams and Reese LLP); and

WHEREAS, the Metropolitan Government is not believed to have ever provided any material administrative assistance to The Health and Educational Facilities Board of The Metropolitan Government of Nashville and Davidson County, Tennessee; and instead the law firm of Adams and Reese LLP, and its predecessor firms, have provided administrative assistance and record-keeping from 1974 to the present; and

WHEREAS, The Health and Educational Facilities Board of The Metropolitan Government of Nashville and Davidson County, Tennessee does not appear to have the capacity to post relevant public materials such as board packages or other information about the bonds it is issuing for the public benefit of the citizens of Nashville; and

WHEREAS, it is in the public interest that The Health and Educational Facilities Board of The Metropolitan Government of Nashville and Davidson County, Tennessee provide more information about its activities for the public benefit, and it is in the public interest for the Metropolitan Government's Information Technology Services Department to provide assistance in timely posting more information on-line for the public to view.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That the Metropolitan Council hereby requests that The Health and Educational Facilities Board of The Metropolitan Government of Nashville and Davidson County, Tennessee proactively seek to provide more information about the work it is doing for the public good in Nashville, including but not limited to: (a) provide publicly-available links to materials presented to its board for review or approval; (b) provide publicly-available links to any Report on Debt Obligation (whether the current form CT-0253 or a subsequent form) that it files with the State of Tennessee; and (c) provide a publicly-available description of what processes it follows in accepting and considering requests for the issuance of debt obligations.

Section 2. That the Metropolitan Council hereby encourages the Metropolitan Government, including its Information Technology Services Department, to provide any guidance or assistance necessary to assist

The Health and Educational Facilities Board of The Metropolitan Government of Nashville and Davidson County, Tennessee to accomplish these goals.

Section 3. This Resolution shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

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Bob Mendes  
Member of Council, At-Large

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Dave Rosenberg  
Member of Council